

AMENDED IN SENATE JUNE 16, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1373

Introduced by Assembly Member Umberg

February 22, 2005

An act relating to state employees, and ~~declaring the urgency thereof, to take effect immediately.~~ *making an appropriation in augmentation of Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of the Budget Act of 2005, to take effect immediately as an appropriation for the usual and current expenses of the state.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as amended, Umberg. State employees: memoranda of understanding.

Under existing law, a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of a memorandum of understanding entered into between the state employer and State Bargaining Unit 7, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would ~~require~~

authorize the state employer and the affected employee organization to meet and confer to renegotiate the affected provisions if funds for these provisions are not specifically appropriated by the Legislature. reopen negotiations on all or part of the memorandum of understanding if the Legislature does not approve or fully fund any provision of the memorandum of understanding that requires the expenditure of funds.

This bill would appropriate \$15,652,000 from the General Fund, unallocated nongovernmental cost funds, and other unallocated nongovernmental cost funds, as scheduled, in augmentation of specified items in the Budget Act of 2005 for state employee compensation to implement the memorandum of understanding approved by this bill.

This bill would declare that it is to take effect immediately as an urgency a statute providing an appropriation for the usual and current expenses of the state.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that the
2 purpose of this act is to approve *the provisions of* an agreement
3 pursuant to Section ~~3517~~ 3517.6 of the Government Code
4 entered into by the state employer and ~~a recognized employee~~
5 ~~organization~~ *State Bargaining Unit 7 that require the expenditure*
6 *of funds.*

7 SEC. 2. The provisions of the memorandum of understanding
8 prepared pursuant to Section 3517.5 of the Government Code
9 and entered into by the state employer and State Bargaining Unit
10 7, the California Union ~~for Safety Employees of Safety~~
11 *Employees, on May 9, 2005,* and that require the expenditure of
12 funds, are hereby approved for the purposes of Section 3517.6 of
13 the Government Code.

14 SEC. 3. The provisions of the memoranda of understanding
15 approved by Section 2 of this act that are scheduled to take effect
16 on or after ~~January 27~~ *July 1, 2005,* and that require the
17 expenditure of funds, shall not take effect unless funds for these
18 provisions are specifically appropriated by the Legislature. If
19 ~~funds for these provisions are not specifically appropriated by the~~

1 ~~Legislature, the state employer and the affected employee~~
2 ~~organization shall meet and confer to renegotiate the affected~~
3 ~~provisions; the Legislature does not approve or fully fund any~~
4 ~~provision of the memorandum of understanding that requires the~~
5 ~~expenditure of funds, either party may reopen negotiations on all~~
6 ~~or part of the memorandum of understanding.~~

7 SEC. 4. Notwithstanding Section 3517.6 of the Government
8 Code, the provisions of any memorandum of understanding that
9 require the expenditure of funds shall become effective even if
10 the provisions of the memorandum of understanding are
11 approved by the Legislature in legislation other than the annual
12 Budget Act.

13 SEC. 5. *The sum of fifteen million six hundred fifty-two*
14 *thousand dollars (\$15,652,000) is hereby appropriated for*
15 *expenditure in the 2005–06 fiscal year in augmentation of, and*
16 *for the purpose of state employee compensation, as provided in,*
17 *Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of*
18 *Section 2.00 of the Budget Act of 2005 to implement the*
19 *provisions of the memorandum of understanding approved by*
20 *this act in accordance with the following schedule:*

21 (a) *Three million nine hundred fifty-seven thousand dollars*
22 *(\$3,957,000) from the General Fund in augmentation of Item*
23 *9800-001-0001.*

24 (b) *Seven million four hundred eighty-five thousand dollars*
25 *(\$7,485,000) from unallocated special funds in augmentation of*
26 *Item 9800-001-0494.*

27 (c) *Four million two hundred ten thousand dollars*
28 *(\$4,210,000) from other unallocated nongovernmental cost funds*
29 *in augmentation of Item 9800-001-0988.*

30 ~~SEC. 5. This act is an urgency statute necessary for the~~
31 ~~immediate preservation of the public peace, health, or safety~~
32 ~~within the meaning of Article IV of the Constitution and shall go~~
33 ~~into immediate effect. The facts constituting the necessity are:~~

34 ~~In order for the provisions of this act to be applicable as soon~~
35 ~~as possible in the 2004–05 fiscal year, and thereby facilitate the~~
36 ~~orderly administration of state government at the earliest possible~~
37 ~~time, it is necessary that this act take effect immediately.~~

38 SEC. 6. *This act makes an appropriation for the usual current*
39 *expenses of the state within the meaning of Article IV of the*
40 *Constitution and shall go into immediate effect.*

1		_____
2	CORRECTIONS:	
3	Text – Page 3.	
4		_____